

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

ROBERT LEE MCCAFFREY,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-9795

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court find that the Brief in Behalf of the Plaintiff/Claimant (ECF No. 14) is now moot and grant Defendant's Motion for Remand (ECF No. 18) pursuant to the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **FINDS** that the Brief in Behalf of the Plaintiff/Claimant (ECF No. 14) is now moot and **GRANTS** Defendant's Motion for Remand (ECF No. 18) pursuant to the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: September 20, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE